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EXAMINER

RYAN, PATRICK A

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PAPER

Please find below and/or attached an Office communication concerning this application or proceeding.

The time period for reply, if any, is set in the attached communication.

Office Action Summary	Application No. 10/675,193	Applicant(s) KARAOGUZ ET AL.	
	Examiner PATRICK A. RYAN	Art Unit 2427	

-- The MAILING DATE of this communication appears on the cover sheet with the correspondence address --

Period for Reply

A SHORTENED STATUTORY PERIOD FOR REPLY IS SET TO EXPIRE 3 MONTH(S) OR THIRTY (30) DAYS, WHICHEVER IS LONGER, FROM THE MAILING DATE OF THIS COMMUNICATION.

- Extensions of time may be available under the provisions of 37 CFR 1.136(a). In no event, however, may a reply be timely filed after SIX (6) MONTHS from the mailing date of this communication.
- If NO period for reply is specified above, the maximum statutory period will apply and will expire SIX (6) MONTHS from the mailing date of this communication.
- Failure to reply within the set or extended period for reply will, by statute, cause the application to become ABANDONED (35 U.S.C. § 133). Any reply received by the Office later than three months after the mailing date of this communication, even if timely filed, may reduce any earned patent term adjustment. See 37 CFR 1.704(b).

Status

- 1) ☒ Responsive to communication(s) filed on 23 February 2009.
- 2a) ☒ This action is **FINAL**. 2b) ☐ This action is non-final.
- 3) ☐ Since this application is in condition for allowance except for formal matters, prosecution as to the merits is closed in accordance with the practice under *Ex parte Quayle*, 1935 C.D. 11, 453 O.G. 213.

Disposition of Claims

- 4) ☒ Claim(s) 1-30 is/are pending in the application.
- 4a) Of the above claim(s) _____ is/are withdrawn from consideration.
- 5) ☐ Claim(s) _____ is/are allowed.
- 6) ☒ Claim(s) 1-30 is/are rejected.
- 7) ☐ Claim(s) _____ is/are objected to.
- 8) ☐ Claim(s) _____ are subject to restriction and/or election requirement.

Application Papers

- 9) ☐ The specification is objected to by the Examiner.
- 10) ☐ The drawing(s) filed on _____ is/are: a) ☐ accepted or b) ☐ objected to by the Examiner.
Applicant may not request that any objection to the drawing(s) be held in abeyance. See 37 CFR 1.85(a).
Replacement drawing sheet(s) including the correction is required if the drawing(s) is objected to. See 37 CFR 1.121(d).
- 11) ☐ The oath or declaration is objected to by the Examiner. Note the attached Office Action or form PTO-152.

Priority under 35 U.S.C. § 119

- 12) ☐ Acknowledgment is made of a claim for foreign priority under 35 U.S.C. § 119(a)-(d) or (f).
- a) ☐ All b) ☐ Some * c) ☐ None of:
1. ☐ Certified copies of the priority documents have been received.
 2. ☐ Certified copies of the priority documents have been received in Application No. _____.
 3. ☐ Copies of the certified copies of the priority documents have been received in this National Stage application from the International Bureau (PCT Rule 17.2(a)).

* See the attached detailed Office action for a list of the certified copies not received.

Attachment(s)

- | | |
|--|---|
| 1) <input checked="" type="checkbox"/> Notice of References Cited (PTO-892) | 4) <input type="checkbox"/> Interview Summary (PTO-413) |
| 2) <input type="checkbox"/> Notice of Draftsperson's Patent Drawing Review (PTO-948) | Paper No(s)/Mail Date. _____ |
| 3) <input type="checkbox"/> Information Disclosure Statement(s) (PTO/SB/08) | 5) <input type="checkbox"/> Notice of Informal Patent Application |
| Paper No(s)/Mail Date _____ | 6) <input type="checkbox"/> Other: _____ |

DETAILED ACTION

1. This Office Action is made in reply to Response Under 37 CFR 1.111 ("Reply"), filed February 23, 2009. Applicant has amended Claims 13 and 21-29; no claims have been added; and no claims have been cancelled. As previously filled August 22, 2008, Claims 1 through 30 are presented for examination.

2. In Office Action of November 24, 2008 ("Office Action"):

Claims 1 through 30 were rejected under 35 U.S.C. 102(e) as being anticipated by Boylan, III et al., United States Patent (6,766,956 B1).

Response to Arguments

3. Applicant's arguments, see Reply Pages 13-16, have been fully considered but they are not persuasive.

4. Applicant presents (Reply Page 14) that Boylan does not teach the Claim 1, 7, 13, and 21 limitation of "receiving one of said plurality of key sequences via manual input within the home" because "Boylan's 'code' is one or two-dimensional code that is to be read only via a code scanner". Applicant additionally presents that the "code" of Boylan "is not a key sequence" and Boylan "does not disclose that such code is received via manual input" because "the acquiring of any codes is performed by code scanning". The Examiner respectfully disagrees.

5. As the Examiner has previously cited, Boylan demonstrates a method of operating a portable scanning device system used to scan a code (as shown in Fig. 5

Art Unit: 2427

and introduced in Col. 10 Lines 7-11). Boylan discloses that in Step 502 "the user of portable scanning device system may scan a code" (Col. 10 Lines 8-9). It is the Examiner's position that a user scanning a code constitutes a manual process since this process requires interaction and control on the part of the user.

The Examiner additionally notes that Boylan explicitly discloses in Col. 9 Lines 17-24 that:

If code scanning equipment malfunctions and cannot scan codes properly, is otherwise having difficulty scanning codes, or the user opts to manually enter information contained in a code, the user may enter code information (e.g., Universal Product Code (UPC)). The user may enter such information or any other pertinent information via user interface 312. For example, the user may type in a UPC using a keyboard.

It is the Examiner's position that this passage of Boylan clearly demonstrates that a bar code, such as a UPC, can be manually entered using a device such as a keyboard.

Additionally, the Examiner submits that Boylan's teaching of entering a UPC by way of a keyboard demonstrates that a UPC is a representation of key sequence.

The Examiner also notes that Boylan's teaching of a bar code scanner as an input device is in accordance with the disclosure of the instant application. In particular, Paragraph [39] of Pages 12-13 discloses that, in addition to Remote Control 108, "a special code reading device may be utilized to scan, read and/or interpret various synchronized functionality codes that may be displayed on the TV screen 106".

Therefore, the Examiner submits that Boylan does in fact teach the Claim 1, 7, 13, and 21 limitation of "receiving one of said plurality of key sequences via manual input within the home".

Claim Rejections - 35 USC § 102

6. The following is a quotation of the appropriate paragraphs of 35 U.S.C. 102 that form the basis for the rejections under this section made in this Office action:

A person shall be entitled to a patent unless –

(e) the invention was described in (1) an application for patent, published under section 122(b), by another filed in the United States before the invention by the applicant for patent or (2) a patent granted on an application for patent by another filed in the United States before the invention by the applicant for patent, except that an international application filed under the treaty defined in section 351(a) shall have the effects for purposes of this subsection of an application filed in the United States only if the international application designated the United States and was published under Article 21(2) of such treaty in the English language.

7. Claims 1 through 30 are rejected under 35 U.S.C. 102(e) as being anticipated by Boylan, III et al., United States Patent (6,766,956 B1) hereinafter “Boylan”.

8. In regards to Claim 1, Boylan teaches a method for providing on a television screen within a home, access to selected ones of a plurality of media files stored outside of the home (as introduced in Col. 9 Line 37—Col. 10 Line 27 and generally shown in Figs. 4 and 5; with further reference to Col. 2 Lines 18-23 and Figs. 7-15), the method comprising:

associating, outside of the home, a plurality of key codes with a corresponding plurality of media files, each of said plurality of key codes corresponding to a plurality of key sequences (“codes”, as defined in Col. 1 Lines 46-65, such as a bar-code, are associated with media from sites such as a web-site, a television distribution facility, or a data service provider, as described in Col. 2 Lines 3-64);

receiving one of said plurality of key sequences via manual input within the home (operations can be performed “while at home” and “within the home”, as described in

Col. 3 Line 56—Col. 4 Line 6; with further reference to the Steps 502-510 of Fig. 5, as described in Col. 10 Lines 7-27); and

communicating one of the plurality of media files for display on the television screen, said one of said plurality of media files corresponding to at least one of said associated plurality of key codes (Steps 508-512 as described in Col. 10 Lines 7-27, where types of “information” and “actions” are described in Col. 2 Lines 42-64; with further reference to Col. 11 Line 39—Col. 12 Line 52).

9. In regards to Claim 2, Boylan teaches the method according to Claim 1, comprising determining whether said received one of said received plurality of key sequences is associated with an existing function for media exchange (Step 704 of Fig. 7, depicting a determination if code is stored in remote Database 114, as described in Col. 10 Line 59—Col. 11 line 10).

10. In regards to Claim 3, Boylan teaches the method according to Claim 2, comprising, if said received one of said received plurality of key sequences is associated with said existing function for media exchange, requesting at least one media file associated with said existing function for media exchange (Step 706 of Fig. 7, depicting the retrieval of information associated with the code from Database 114, as described in Col. 10 Line 59—Col. 11 line 10; with further reference to types of media files described in Col. 2 Lines 43-64).

11. In regards to Claim 4, Boylan teaches the method according to Claim 2, comprising, if said received one of said received plurality of key sequences is associated with said existing function for media exchange, receiving at least one media

Art Unit: 2427

file associated with said existing function for media exchange (Step 710 of Fig. 7, where requested information is sent to the user, as described in Col. 10 Line 59—Col. 11 line 10; with further reference to types of media files described in Col. 2 Lines 43-64).

12. In regards to Claim 5, Boylan teaches the method according to Claim 2, comprising, if said received one of said received plurality of key sequences is associated with said existing function for media exchange, displaying at least one media file associated with said existing function for media exchange (Step 510 of Fig. 5, where requested information is presented to the user, as described in Col. 10 Lines 12-27; with further reference to example display screens of Figs. 9, 10, 12, 13, and 15).

13. In regards to Claim 6, Boylan teaches the method according to Claim 1, comprising notifying a user of said one of said plurality of key sequences that is associated with a function for media exchange (the user is notified of the existence of a code, for example, by way of advertisements in a newspaper, periodicals, or on a television screen, as described in Col. 14 Lines 38-46; with further reference to Col. 1 Lines 46-65).

14. In regards to Claim 7, Boylan teaches a machine-readable storage having stored thereon, a computer program having at least one code section for providing on a television screen within a home, access to selected ones of a plurality of media files stored outside of the home, the at least one code section being executable by a machine for causing the machine (Docking Station 130 of Figs. 2A and 2B, as described in Col. 6 Line 34—Col. 8 Line 9, performing the process as introduced in Col. 9 Line

Art Unit: 2427

37—Col. 10 Line 27 and generally shown in Figs. 4 and 5; with further reference to Col. 2 Lines 18-23 and Figs. 7-15) to perform steps comprising:

associating, outside of the home, a plurality of key codes with a corresponding plurality of media files, each of said plurality of key codes corresponding to a plurality of key sequences (“codes”, as defined in Col. 1 Lines 46-65, such as a bar-code, are associated with media from sites such as a web-site, a television distribution facility, or a data service provider, as described in Col. 2 Lines 3-64);

receiving one of said plurality of key sequences via manual input within the home (operations can be performed “while at home” and “within the home”, as described in Col. 3 Line 56—Col. 4 Line 6; with further reference to the Steps 502-510 of Fig. 5, as described in Col. 10 Lines 7-27); and

communicating one of the plurality of media files for display on the television screen, said one of said plurality of media files corresponding to at least one of said associated plurality of key codes (Steps 508-512 as described in Col. 10 Lines 7-27, where types of “information” and “actions” are described in Col. 2 Lines 42-64; with further reference to Col. 11 Line 39—Col. 12 Line 52).

15. The limitations of Claim 8 are addressed in Claims 7 and 2.
16. The limitations of Claim 9 are addressed in Claims 7 and 3.
17. The limitations of Claim 10 are addressed in Claims 7 and 4.
18. The limitations of Claim 11 are been addressed in Claims 7 and 5.
19. The limitations of Claim 12 are been addressed in Claims 7 and 6.

Art Unit: 2427

20. In regards to Claim 13 Boylan teaches a method for providing media content, the method comprising:

receiving a key code corresponding to at least one media exchange function associated with a media program generated by a third (3rd) party provider of media, said key code corresponding to at least one key sequence, and said key code associated with said media program ('NO' determination at Step 704 when code received from user at Step 702 is not stored in Database 114, as described in Col. 10 Line 59—Col. 11 line 10), and said key sequence received via manual input within a home (as described in Col. 3 Line 56—Col. 4 Line 6; with further reference to the Steps 502-510 of Fig. 5, as described in Col. 10 Lines 7-27);

communicating one or both of said key code and data representative of said key code to said third (3rd) party media provider (Step 708 of Fig. 7, if code is not stored in remote Database 114 then information is retrieved from a third party such as a web site, as described in Col. 10 Line 59—Col. 11 line 10); and

in response to said communicated one or both of said key code associated with said media program and data representative of said key code, receiving media content of said media program, said media content corresponding to said key code and said at least one media exchange function from at least said third (3rd) party media provider (Step 710 of Fig. 7, where requested information is sent to the user, as described in Col. 10 Line 59—Col. 11 line 10; with further reference to types of media files described in Col. 2 Lines 43-64).

Art Unit: 2427

21. In regards to Claim 14, Boylan teaches the method according to Claim 13, comprising determining whether said key code is associated with an existing media exchange function (Step 704 of Fig. 7, depicting a determination if code is stored in remote Database 114, as described in Col. 10 Line 59—Col. 11 line 10).

22. In regards to Claim 15, Boylan teaches the method according to Claim 14, comprising, if said key code is associated with said existing media exchange function, requesting said received media content corresponding to said key code and said at least one media exchange function from said third (3rd) party media provider (If data is stored at Database 114, then in Step 706 of Fig. 7 the retrieval of information associated with the code is executed, as described in Col. 10 Line 59—Col. 11 line 10; with further reference to types of media files described in Col. 2 Lines 43-64)

23. In regards to Claim 16, Boylan teaches the method according to Claim 14, comprising, if said key code is unassociated with said existing media exchange function, initiating the creation of a new media exchange function corresponding to said key code (Step 708 of Fig. 7, if code is not stored in remote Database 114 then information is retrieved from a third party such as a web site, as described in Col. 10 Line 59—Col. 11 line 10).

24. In regards to Claim 17, Boylan teaches the method according to Claim 13, comprising transferring said received media content corresponding to said key code and said at least one media exchange function from said third (3rd) party media provider to a media processing system (Steps 708 to 710 of Fig. 7 where requested information is

Art Unit: 2427

sent to the user from third party, as described in Col. 10 Line 59—Col. 11 line 10; with further reference to types of media files described in Col. 2 Lines 43-64).

25. In regards to Claim 18, Boylan teaches the method according to Claim 13, comprising presenting at least a portion of said received media content corresponding to said key code and said at least one media exchange function to said user (Step 510 of Fig. 5, where requested information is presented to the user, as described in Col. 10 Lines 12-27; with further reference to example display screens of Figs. 9, 10, 12, 13, and 15).

26. In regards to Claim 19, Boylan teaches the method according to Claim 13, comprising displaying at least a portion of said received media content corresponding to said key code and said at least one media exchange function on a television screen of said media processing system (Step 510 of Fig. 5, where requested information is presented to the user, as described in Col. 10 Lines 12-27; with further reference to example display screens of Figs. 9, 10, 12, 13, and 15 and Output Device 210 such as a television monitor, as described in Col. 7 Lines 15-28).

27. In regards to Claim 20, Boylan teaches the method according to Claim 13, comprising notifying a user of availability of said key code associated with said media program generated by said third (3rd) party media provider (the user is notified of the existence of a code, for example, by way of advertisements in a newspaper, periodicals, or on a television screen, as described in Col. 14 Lines 38-46; with further reference to Col. 1 Lines 46-65).

Art Unit: 2427

28. In regards to Claim 21, Boylan teaches a system for providing media content (generally shown in Fig. 1, as introduced in Col. 5 Line 39—Col. 6 Line 33), the system comprising:

at least one processor (Remote Site 110 of Fig. 1, as described in Col. 5 Line 50—Col. 6 Line 33) operable to receive a key code corresponding to at least one media exchange function associated with a media program generated by a third (3rd) party media provider, said key code corresponding to at least one key sequence, said key code associated with said media program ('NO' determination at Step 704 when code received from user at Step 702 is not stored in Database 114, as described in Col. 10 Line 59—Col. 11 line 10), and said key sequence received via manual input within a home (as described in Col. 3 Line 56—Col. 4 Line 6; with further reference to the Steps 502-510 of Fig. 5, as described in Col. 10 Lines 7-27);

said at least one processor is operable to communicate one or both of said key code and data representative of said key code to said third (3rd) party media provider (Step 708 of Fig. 7, if code is not stored in remote Database 114 then information is retrieved from a third party such as a web site, as described in Col. 10 Line 59—Col. 11 line 10); and

in response to said communicated at least one of said key code associated with said media program and data representative of said key code, said at least one processor is operable to receives media content of said media program, said media content corresponding to said key code and said at least one media exchange function from at least said third (3rd) party media provider (Step 710 of Fig. 7, where requested

Art Unit: 2427

information is sent to the user, as described in Col. 10 Line 59—Col. 11 line 10; with further reference to types of media files described in Col. 2 Lines 43-64).

29. The limitations of Claim 22 are addressed in Claims 21 and 14.

30. The limitations of Claim 23 are addressed in Claims 21 and 15.

31. The limitations of Claim 24 are addressed in Claims 21 and 16.

32. The limitations of Claim 25 are addressed in Claims 21 and 17.

33. The limitations of Claim 26 are addressed in Claims 21 and 18.

34. The limitations of Claim 27 are addressed in Claims 21 and 19.

35. The limitations of Claim 28 are addressed in Claims 21 and 20.

36. In regards to Claim 29, Boylan teaches the system according to Claim 21, wherein said at least one processor is operable receive said key code generated by one or more of a remote control device, a keyboard, a scanning device and/or an audio processing device (Code Scanning Equipment 306 of Portable Device 150 as shown in Fig. 3 and described in Col. 8 Line 11—Col. 9 Line 37; with further reference to User Interface 212, as described in Col. 7 Lines 29-33).

37. In regards to Claim 30, Boylan teaches the system according to Claim 21, wherein said at least one processor is one or more of a media processing system processor, a media management system processor, a computer processor, a media exchange software processor and/or a media peripheral processor (Remote Site 110 functions as a media management system processor, as described in Col. 5 Line 50—Col. 6 Line 33).

Conclusion

38. The prior art made of record and not relied upon is considered pertinent to applicant's disclosure.

Kihara et al., United States Patent (4,475,153) teach a method and apparatus for controlling an electronic device by manual scanning with an optical wand or other scanning instrument of one or more code groups printed on a selection card (Abstract).

Dunn et al., United States Patent (6,584,613 B1) teach a system and method enabling a user to respond to television displays by dialing a code into a telephone in order to receive enhanced services (Abstract).

39. **THIS ACTION IS MADE FINAL.** Applicant is reminded of the extension of time policy as set forth in 37 CFR 1.136(a).

A shortened statutory period for reply to this final action is set to expire **THREE MONTHS** from the mailing date of this action. In the event a first reply is filed within **TWO MONTHS** of the mailing date of this final action and the advisory action is not mailed until after the end of the **THREE-MONTH** shortened statutory period, then the shortened statutory period will expire on the date the advisory action is mailed, and any extension fee pursuant to 37 CFR 1.136(a) will be calculated from the mailing date of the advisory action. In no event, however, will the statutory period for reply expire later than **SIX MONTHS** from the mailing date of this final action.

40. Any inquiry concerning this communication or earlier communications from the examiner should be directed to PATRICK A. RYAN whose telephone number is

Art Unit: 2427

(571)270-5086. The examiner can normally be reached on Mon to Thur, 8:00am - 5:00pm EST.

If attempts to reach the examiner by telephone are unsuccessful, the examiner's supervisor, Scott Beliveau can be reached on (571) 272-7343. The fax phone number for the organization where this application or proceeding is assigned is 571-273-8300.

Information regarding the status of an application may be obtained from the Patent Application Information Retrieval (PAIR) system. Status information for published applications may be obtained from either Private PAIR or Public PAIR. Status information for unpublished applications is available through Private PAIR only. For more information about the PAIR system, see <http://pair-direct.uspto.gov>. Should you have questions on access to the Private PAIR system, contact the Electronic Business Center (EBC) at 866-217-9197 (toll-free). If you would like assistance from a USPTO Customer Service Representative or access to the automated information system, call 800-786-9199 (IN USA OR CANADA) or 571-272-1000.

/P. A. R./
Examiner, Art Unit 2427
Tuesday, May 19, 2009

/Joseph G Ustaris/
Primary Examiner, Art Unit 2424